

June 13, 2012

**VIA ECFS**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

**Re: WC Docket Nos. 09-197, 11-42 – Ex Parte Notice**

Dear Ms. Dortch:

On June 11, 2012, Dennis Henderson, Chief Executive Officer and Founder, Boomerang Wireless, LLC ("Boomerang"), and Michael Donahue and Linda McReynolds of Marshlian & Donahue LLC, joined by Jim Balvanz, Chief Financial Officer, Boomerang, and Kim Lehrman, Vice President of Marketing, Boomerang, via telephone, met with Kimberly Scardino, Garnet Hanly, and Divya Shenoy of the FCC's Telecommunications Access Policy Division of the Wireline Competition Bureau to discuss Boomerang's pending petition for designation as an Eligible Telecommunications Carrier ("ETC").

Dennis Henderson provided a brief summary of Boomerang's current operations, its commitment to comply with the Federal Communications Commission's ("Commission") Lifeline rules and its existing Compliance Plan. He noted that Boomerang has continued to refine its plans for providing Lifeline and the steps it will take to comply with the Commission's *Lifeline Reform Order*.<sup>1</sup> A copy of the presentation deck provided at the meeting is attached hereto as Attachment 1. Staff identified additional revisions that will help clarify Boomerang's compliance with the Commission's Lifeline requirements. Accordingly, Boomerang submits herewith, as Attachment 2, its Revised Compliance Plan demonstrating its compliance with the *Lifeline Reform Order*. Boomerang requests expeditious approval of the Revised Compliance Plan.

We also discussed staff's concerns about the increased risk of duplicate Lifeline subsidies for a single household as more ETCs are approved and whether the Commission should continue to approve additional ETC petitions given this risk. To address these concerns, Boomerang hereby

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<sup>1</sup> *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, FCC 12-11 (rel. Feb. 6, 2012).

**MARASHLIAN & DONAHUE, LLC**

TELEPHONE: (703) 714-1300  
FACSIMILE: (703) 714-1330  
EMAIL: MAIL@COMMLAWGROUP.COM  
WEB: WWW.COMMLAWGROUP.COM

THE COMMLAW GROUP  
1420 SPRING HILL ROAD  
SUITE 401  
MCLEAN, VIRGINIA 22102

provides additional information about the ETC marketplace in general and Boomerang's own proposed ETC plans.

Boomerang's affiliate, Ready Wireless, LLC, has served the Lifeline demographic for 5 years with the company's non-Lifeline retail products. Through these customers and Boomerang's relationships with its ETC partners, Boomerang has determined that there are substantial gaps in the availability of Lifeline services. Recent data for just the states for which the Commission grants ETC designation demonstrates that less than 50% of eligible Lifeline subscribers are actually participating in the program. Many of these potential Lifeline participants do not reside in the large communities targeted by most ETCs and, therefore, are either not aware of or do not have access to Lifeline-supported wireless service.

Boomerang intends to address these gaps in Lifeline availability. Unlike most current ETCs that have concentrated on big population centers in their advertising and event marketing, Boomerang's targeted population does not all live in Tier 1 or Tier 2 cities. Rather, Boomerang's neighborhood marketing program will reach Tier 3 and Tier 4 and smaller communities where the population has not seen an influx of Lifeline service providers. The population Boomerang is targeting is often transient and does not have access to the means to apply for Lifeline service without assistance, such as that available at neighborhood, community center or Medicaid Managed Care Organization ("MCO") event.

In addition, as we discussed with Staff, Boomerang has also entered into a unique go-to-market partnership with local MCOs who serve the Medicaid population. Nearly one-third of Lifeline eligible customers participate in the Medicaid program, yet many of these consumers are not participating in the Lifeline program. Through this partnership, both Boomerang and the MCOs can provide additional value for the MCO's members. For example, Boomerang's MCO partners are bringing to the table services that include Over the Counter Medicine Smart Cards (*i.e.*, \$30/month free over-the-counter medication at chain drug stores) and Boomerang will make available free minutes of airtime, in addition to their monthly Lifeline minutes, for its Lifeline customers to call the Call a Nurse Program or their Medicaid representatives.

Further, it requires a significant amount of capital, personnel and other resources to fund handsets, distribution, and marketing programs to support the Lifeline model. Many of the ETCs operating today will not have the financial wherewithal to continue to build their base of customers or expand into these underserved areas, particularly in light of the effective elimination of most Link-Up support. Therefore, it is likely there will be fewer options available to consumers going forward.

Boomerang has a business model that will support the investment necessary to provide Lifeline services and to be a long term Commission partner and a strong service provider for the targeted population. Because Boomerang already provides services to the Lifeline demographic, Boomerang is familiar with the unique characteristics of these customers. For example, Boomerang management understands that the vast majority of low income people live in a cash-based society. They cannot pay for Top-Ups with a credit card because they do not have one. As a result, if the only means available to add minutes to their plan requires a credit card, they will not make the Lifeline service their primary service. Therefore, Boomerang has developed a national solution with

retail partnerships to support the need for additional services, including data add-ons that only require cash.

Likewise, Boomerang knows that these consumers are not early technology adopters. The accessibility and ease of use of all of Boomerang's products, services and systems would allow these consumers to take advantage of the power of wireless technology and close the digital divide. For example, adding data to phone plans is a growing trend in Boomerang's customer base, but it lags significantly behind the national norm. To address this trend and make access more available, Boomerang will have data availability turned on in each handset distributed to its Lifeline customers, which will enable them to use the device for their daily access to the Internet if they choose to add data services to their phone.

Boomerang does not plan to just dip its foot into the Lifeline business. Boomerang management wants to maintain the long-term profitability of the company and views Lifeline *customers*, not Lifeline *support*, as a component of the Company's long-term business plan. That means investing capital in Lifeline consumers and Lifeline services. Boomerang will be providing additional value to Lifeline consumers with the expectation that they will use Boomerang's service as their primary phone. Boomerang wants its Lifeline customers to use the service, purchase additional services (airtime, data, broadband) and when they are no longer eligible for Lifeline support, remain with Boomerang as their telecommunications provider of choice.

Finally, during the meeting, we discussed Boomerang Wireless' continued interest in participating in the Broadband Pilot program.

Respectfully submitted,



Michael P. Donahue  
*Counsel for Boomerang Wireless, LLC*

Enclosures

cc (via email): Kimberly Scardino  
Garnet Hanly  
Divya Shenoy

## **ATTACHMENT 1**

### **Ex Parte Presentation**



# **FCC Compliance Overview Meeting**

**Boomerang Wireless**

**Dennis Henderson, CEO & Owner**

**June 11, 2012**

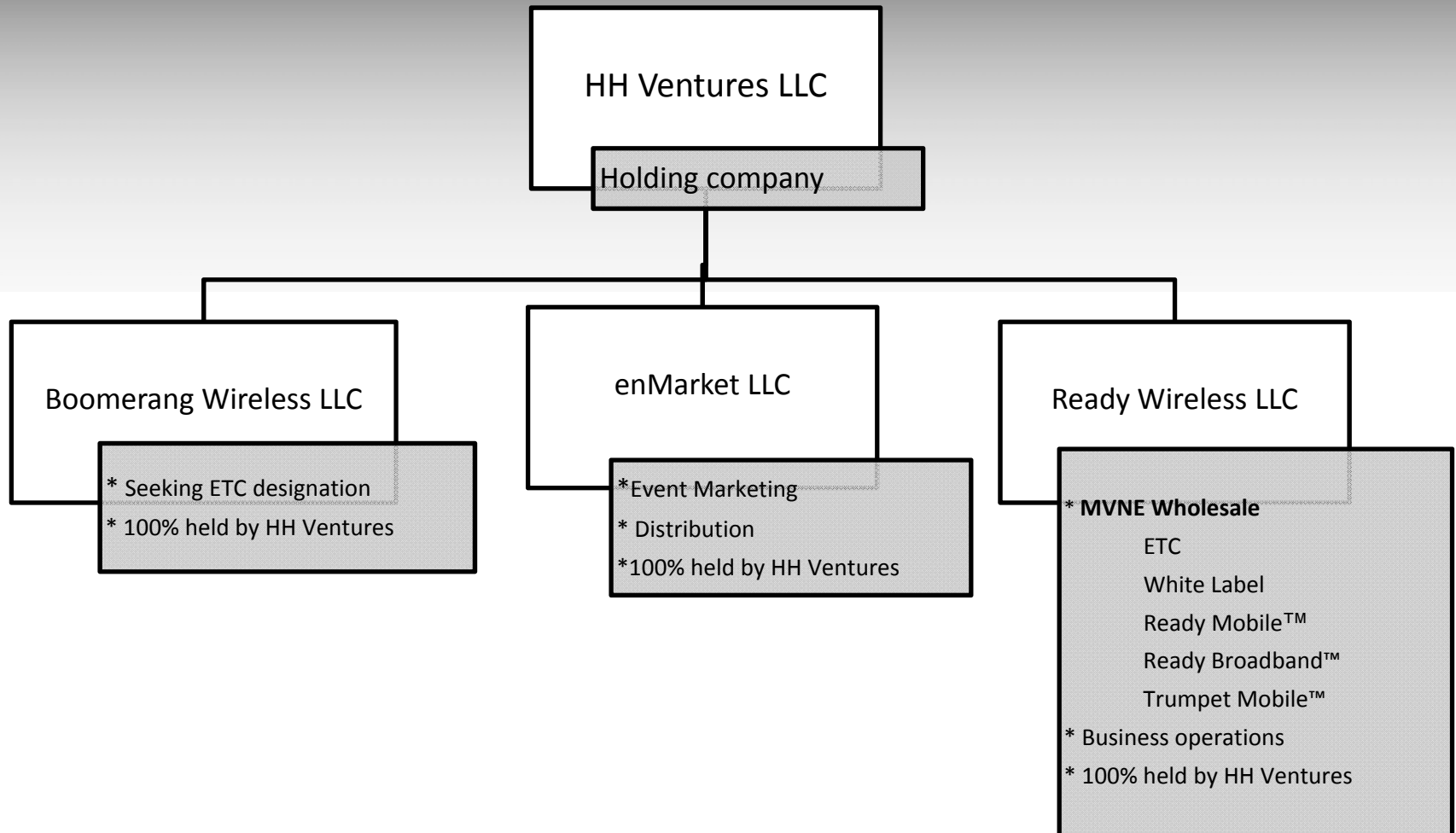
# Agenda

- Introduction of Company
- Company Lifeline Product Offerings
- Marketing/Advertising Compliance
- End User Enrollment
- Annual Certification
- Procedures Addressing Waste, Fraud, and Abuse
- Questions

## Company History

- Ready Mobile LLC formed in 2005
- Titan Global Holding purchased assets in 2007
- HH Ventures purchased select assets from Titan Global Holdings, including Ready Mobile brand in 2008
- Dennis Henderson & Fred Haumesser, Co-Owners & Operators of HH Ventures
- Operating profitable, growth business

# Current Structure & Brands





## Currently Seeking designation as ETC. Plans filed in:

- FCC States: AL, CT, DE, NH, NY, NC, TN, VA, DC
- Non FCC States: AR, GA, IA, LA, MD, MI, OK, PA, SC, WI, WV

## Current Retail Offerings

- Ready Mobile is a nationally distributed pre-paid brand.
- Distribution includes chain pharmacy, convenience and dollar stores as well as our own e-commerce site.
- Offering includes both phone and broadband data devices.
- National distribution of Top Up programs in over 30K retail locations.



# Lifeline Product Offerings

In compliance with the amended section 54.202, Boomerang Wireless certifies:

- It will comply with the service requirements applicable to the support that it receives;
- It has the ability to remain functional in emergency situations;
- It will satisfy applicable consumer protection and service quality standards; and
- It is financially and technically capable of providing Lifeline service.

# Lifeline Product Offerings

Boomerang is financially and technically capable of providing the supported Lifeline Service.

Technical & operational foundation includes:

- Multi-carrier network contracts- Sprint, Verizon & soon to be announced GSM partner.
- Integrated Operating System (Provisioning, Billing, Inventory Management & Reporting)
- Complete Infrastructure (Device Procurement & Certification, Customer Service, & Marketing)



# Lifeline Product Offerings

## Financial & Management Strength

- Privately held.
- Offering prepaid, wireless service to non-Lifeline participants since 2008.
- Diversified revenue stream. No direct revenue from Lifeline 2011.

<b>Revenue- 2011 \$17M</b>	17% wireless resale Lifeline services 52% wireless retail services 31% non-regulated telecom services
<b>Subscribers</b>	350,000
<b>Retail Customers</b>	50,000
<b>Employees</b>	60

# Lifeline Product Offerings

## Financial & Management Strength

- Dennis Henderson- CEO & Co Owner- 25 years telecommunications experience
- Fred Haumesser- Exec VP Sales & Co Owner- 25 years sales & distribution experience
- Jim Balvanz- CFO- 30 years telecommunications experience
- Glen Jasper- VP Operations- 20 years operations management
- Dana Kinter Parasek- VP Administration – 15 years telecommunications experience
- Kim Lehrman- VP Marketing- 25 years technology & brand marketing and general management experience
- Mike Schmidt- VP IT- 15 years IT platform development experience

# Lifeline Product Offerings

Consumer Cost	Units	Voice	Texts	Rollover
Free after Lifeline discount	68	1 unit= 1 minute	1 unit= 3 texts	Yes
Free after Lifeline discount	125	1 unit= 1 minute	1 unit= 1 text	Yes
Free after Lifeline discount	250	1 unit= 1 minute	1 unit= 1 text	No

## All plans include:

- Free Calls to 911 Emergency Services
- Free Calls to Customer Service and Balance Inquiries
- Free Voicemail, Caller ID, and Call waiting
- Free Domestic Long Distance Calling

# Lifeline Product Offerings

## **Public Safety and 911/ E911 Access:**

- Boomerang will ensure that all handsets used in connection with its Lifeline service are E911- compliant.
- Boomerang will provide its Lifeline customers with access to 911 and E911 services:
  - Through its underlying carrier, Sprint or Verizon
  - At the time of Lifeline service initiation
  - Regardless of activation status and minute availability.

# Marketing & Advertising Compliance

## In compliance with the marketing and disclosure requirements, all of Boomerang's marketing materials will include:

- Disclose company name under which it does business;
- Explain in clear, easily understood language the following:
  - Only eligible consumers may enroll in the program;
  - What documentation is necessary for enrollment;
  - The program is limited to one benefit per household, consisting of either wireline or wireless service;
  - Lifeline is a government benefit program; and
  - Consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.

### Eligibility Requirements

Lifeline is a government sponsored benefit. You can receive a discount on your phone service.

1) You, or one of your dependents, participated in one of these programs:

2022-2023: Supplemental Nutrition Assistance Program (SNAP)	2022-2023: Supplemental Security Income (SSI)
Supplemental Security Income (SSI)	Supplemental Security Income (SSI)
Low Income Home Energy Assistance Program (LIHEAP)	Medicaid
Medicaid (or Public Housing)	Food Distribution Program on Indian Reservations, Bureau of Indian Affairs general assistance, Tribal justice and COVID-19 relief that is not a program providing services of food or shelter.

2) Limit 1 Lifeline benefit per household. Household is defined as an individual or group of individuals living together at the same address as one economic unit.

3) If I am not in qualifying program, I may participate if income qualified.

# Persons in Household	Income
1	\$15,000
2	\$20,000
3	\$25,000
4	\$30,000

4) Must have valid physical address. Notify Boomerang Wireless of any change of address by calling 800-616-0414.

5) Cannot choose phone model or phone number. You are not able to choose the free handset, make fee handset, or choose the phone number on the free handset.

6) Recertify annually that you remain eligible for the Lifeline benefits. Once you receive the Lifeline benefit, you must complete the annual recertification process. Learn more in your welcome package.

7) Must be truthful in application process. WARNING: If you make false statements to gain benefits, you can be punished by fine or imprisonment or you can be barred from the Lifeline program.

8) Complete the application. Be prepared to complete the application truthfully & accurately. You can visit the application, submit online or attend one of our neighborhood events. You will need documentation for application process to include: Proof of identity (i.e. Driver's License); Program eligibility documentation; Current statement of benefits from qualifying program, notice letter of participation, program document (i.e. SSI card), Income eligibility documents (i.e. tax return, paystubs and, 401(k) statements).



# Marketing & Advertising Compliance\*

- **Direct Sales – Electronic**: Typically a face-to-face enrollment transaction occurring in retail store or at an event. All documentation can be witnessed in real-time and end user walks away with phone.
- **Direct Sales – Paper**: Face-to-face enrollment in which enroller does not have access to real-time electronic validation. As such, phone must be shipped to end user after QA department performs validation.
- **Internet Sales**: Self-driven enrollment by end user who signs self-certification form electronically to complete transaction. Proof of identity and program eligibility must be mailed/faxed, delaying shipment of phone.
- **Phone Sales**: Real-time, but proof of identity, program eligibility and completed self-certification form must be mailed/faxed, delaying shipment of phone.

*\* With new CGM interface, may opt to use federal and state database verification process in lieu of paper documentation.*

# End User Enrollment

## **Boomerang's Enrollment Process requires confirmation of the following 5 items:**

1. Confirms Applicant's Identity. (see government issued picture ID)
2. Confirm program or income eligibility. (see proof or participation or annual household income)
3. Confirm valid residence address and whether the address is permanent/temporary or multi-household\*. (Validates address via Melissa Data)
4. Confirms applicant is not currently receiving a subsidy from another carrier.
  - Applicant Certifies under penalty of perjury.
  - Specifically mentions other providers in certification.
  - Company Perform Duplicate Check into an internal and pooled external database.
5. Confirm applicant receives handset and personally activates or uses the phone prior to seeking reimbursement from Universal Service Fund.

*\* Boomerang will require a customer to complete certification form in instance that another resident at address receives Lifeline supported service.*

## Boomerang Compliance Partners



Mr. Donahue counsels clients in a variety of transactional, operational, regulatory and public policy matters. Through his unique combination of in-house and outside counsel experiences serving some of the nation's top communications service providers, Mr. Donahue has developed a proven record for delivering strategically sound, pragmatic management and proactive strategies for business clients.

CGM, LLC is a software development firm that designs, develops, and delivers software systems and outsourced solutions for Telecom Service Providers. CGM has developed a wide variety of Revenue Assurance and Cost Analysis software systems. Lifeline LLSB, which provides editing, auditing, and tracking of Lifeline Reimbursement requests. In addition CGM offers many services related to compliance, auditing and internal process development for Lifeline program management. Boomerang is adopting the web interface solution for application processing.



## Annual Recertification

- Boomerang does not have a requirement today to begin recertifying. We do have a Recertification Plan in place to ensure the eligibility of all future Lifeline customers.
- Boomerang will continue to re-certify each lifeline end user annually.
- All customers who fail to respond to recertification attempts within 30 days will be given a written notice that they have 30 days to confirm their eligibility or be de-enrolled from the Lifeline program.
- Additionally, Boomerang Wireless will follow any state-specific recertification requirements.

## Procedures Addressing Waste, Fraud, and Abuse

Boomerang strives for compliance in all policies & procedures surrounding its Lifeline Program.

- Marketing/Advertising
- End User Initial Enrollment & Annual Certification
- Training of Employees
- Customer Non Usage & De-Enrollment
- Real time auditing of event enrollment forms
- Batch auditing of paper submitted enrollment forms.

## Procedures Addressing Waste, Fraud, and Abuse

- Subscriber Usage:
  - 60 Day non usage policy
- Duplicate Detection:
  - CGM
  - National Database (when operational)
- Independent Biennial Audits

# QUESTIONS?

## **ATTACHMENT 2**

### **Boomerang Wireless, LLC Revised Compliance Plan**



**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Telecommunications Carriers Eligible	)	WC Docket No. 09-197
To Receive Universal Service Support	)	
	)	
Lifeline and Link Up Reform and	)	WC Docket No. 11-42
Modernization	)	

**BOOMERANG WIRELESS, LLC REVISED COMPLIANCE PLAN**

Boomerang Wireless, LLC d/b/a Ready Mobile (“Boomerang” or the “Company”) is a prepaid wireless telecommunications carrier seeking designation as an eligible telecommunications carrier (“ETC”) for the limited purpose of offering service supported by the Lifeline program.<sup>1</sup> Boomerang seeks to avail itself of the Federal Communications Commission’s (“Commission”) grant of forbearance from the “own-facilities” requirement contained in Section 214(e)(1)(A),<sup>2</sup> subject to certain conditions set forth in the Commission’s Order released February 6, 2012.<sup>3</sup> Specifically, the Commission provided that a carrier seeking to become a Lifeline-only ETC must comply with certain 911 requirements and file a compliance plan “providing specific information regarding the carrier’s

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<sup>1</sup> Boomerang currently has pending a petition for designation as a Lifeline-only ETC in certain states. See Amended Petition of Boomerang Wireless, LLC for Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed June 6, 2012) (“Petition”). Boomerang seeks authorization to provide Lifeline-only service to residents of Tribal lands as well. Boomerang respectfully requests to incorporate the commitments made herein into the pending Petition.

<sup>2</sup> 47 U.S.C. § 214(e)(1)(A).

<sup>3</sup> *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“Lifeline Reform Order”).

service offerings and outlining the measures the carrier will take to implement the obligations contained in [the] Order.”<sup>4</sup>

Boomerang submits this Revised Compliance Plan (“Compliance Plan”) to detail the policies, procedures and training programs it has developed to guard against waste, fraud and abuse in the Lifeline program. This Revised Compliance Plan is intended to replace Boomerang’s previously filed compliance plan. Boomerang has continued to refine its planned policies and procedures for enrolling eligible Lifeline customers and providing Lifeline services in accordance with the Commission’s Lifeline rules, has formed partnerships and has formulated and adopted internal policies, procedures and training materials in line with the Commission’s Lifeline reform. This Compliance Plan discusses in more detail Boomerang’s plans for qualifying and enrolling eligible customers, includes more specifics about how Boomerang will review eligibility documentation and guard against households receiving duplicate subsidies, and the process for service activation in compliance with the Commission’s new rules.

In this Compliance Plan, Boomerang will describe in more detail the mechanisms and partnerships it already has in place to prevent duplicate benefits to the same household. Above and beyond meeting the Commission’s requirements for guarding against duplicates, Boomerang will go a step further in its outreach by targeting currently unserved/underserved populations. A substantial market segment has not yet been reached by current ETCs. As a result, millions of eligible citizens need Lifeline-supported services but are not currently served by the program. Boomerang has partnerships and established marketing outreach experience and future plans to target this underserved population. This effort, together with Boomerang’s procedures to prevent duplicate subsidies, will serve the important public policy goals of the program to extend critical services to Americans with the greatest needs.

Boomerang’s business model, ethos and objectives support the Lifeline program and its goals. Boomerang’s commitments to comply with the Commission’s Lifeline rules serve the program

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<sup>4</sup> Lifeline Reform Order ¶ 368.

and allow the Company to invest its capital in consumers who meet program eligibility requirements now, but who require reliable, innovative, high quality services for the long haul. Boomerang is continuously refining and improving its practices and procedures for satisfying all of the Commission's Lifeline requirements in order to build a successful Lifeline business that serves customers with the greatest needs.

### **Background**

Boomerang is one of three wholly owned subsidiaries of HH Ventures LLC, an Iowa company.<sup>5</sup> The other two subsidiaries are enMarket, LLC ("enMarket") and Ready Wireless, LLC ("Ready Wireless"). HH Ventures LLC ("HH Ventures") is a profitable, cash flow positive wireless telecommunications holding company, which employs forty full-time employees. The company's core management team includes six senior executives with more than 100 years of combined telecom experience.

Boomerang seeks ETC designation in order to provide handsets and domestic and international voice services to low-income customers. Boomerang also intends to provide Lifeline-only service to residents of Tribal lands. Boomerang has direct, network carrier contracts with Sprint and Verizon, and is also negotiating a contract with a national GSM provider. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. Boomerang has direct, in-depth experience with building voice, data and broadband products directly with carriers.

HH Ventures formed enMarket in January 2012 to focus on event marketing and distribution for ETCs. Full time employees create neighborhood events to build awareness of the Lifeline program and to distribute phone services to eligible consumers. Event staff is trained on the program compliance requirements, as detailed more fully below, and creates a positive community experience. The company also diligently implements measures to prevent waste, fraud and abuse.

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<sup>5</sup> See Exhibit A for HH Holdings structure, ownership and brands.

In addition, the company has a national partnership to participate in Medicaid managed care organization community events in order to reach a population with significant needs for access to services. This unique partnership with organizations who serve Medicaid recipients is designed to reach in person transient consumers and those who otherwise do not have access to the online, telephone, or paper application process unless supported by another person at an in-person event. Again, as detailed below, employees who engage with potential subscribers at these events receive detailed and extensive training in the Commission's Lifeline eligibility, documentation and other requirements, and how to communicate these requirements clearly to potential subscribers.

Ready Wireless offers an MVNE wholesale platform for ETCs and other non-ETC white label partners as well as for the companies' own retail brands Ready Mobile, Ready Broadband and Trumpet. The platform integrates technical, infrastructure and business operations in a scalable, reliable environment. MVNO customers can select the features and capabilities that meet their business needs. Key features include:

- multiple underlying facilities-based wireless carrier networks (Sprint, Verizon, GSM);
- an integrated operating system, which includes provisioning, inventory management, interactive voice response ("IVR") systems, billing, reporting;
- device certifications, procurement, warehousing, logistics;
- program management and marketing;
- additional features to enhance user experience, such as free 411 and competitively priced international long distance; and
- access to thousands of reload locations, ensuring that ETC end user customers will be able to purchase additional services to complement their subsidized services.

Boomerang has direct control over the databases, systems and processes controlling the customer records, usage records, and reporting. This provides us direct ability to implement current Lifeline guidelines as well as evolve to meet future program policy requirements.

Ready Mobile is a national brand distributed in over 30,000 retail locations.<sup>6</sup> The expertise developed to meet the rigorous operational demands of publicly traded, chain accounts (*i.e.* Walgreens, CVS, Meijers) is foundational to delivering superior services to ETC and other white label partners. Boomerang offers two wireless services under the Ready Mobile brand: ReadyMobilePCS and ReadyBroadband. ReadyMobilePCS offers data access to consumers across the country via smart phone technology using recycled, web-enabled phones with broadband data plans. Under the brand ReadyBroadband, the company also provides data access through devices such as laptops, notebooks, tower computers, and a wide array of other equipment. Both smart phones and access devices are provided with national broadband coverage and distributed through national retail chains as well as sold on the e-commerce site ([www.readymobile.com](http://www.readymobile.com)).

Boomerang has direct, network carrier contracts with Sprint and Verizon and is negotiating a contract with a national GSM provider as well. The multi-carrier wireless network platform provides robust wireless service coverage across the entire ETC footprint. HH Ventures and its subsidiaries have direct, in-depth experience with building voice, data and broadband products directly with carriers.

Experienced in providing broadband data access to consumers across the country, Boomerang desires to participate<sup>7</sup> in the Broadband Pilot Program being initiated by the Commission in accordance with the National Broadband Plan.<sup>8</sup> Boomerang is already poised to play a part in achieving the Commission's goal of expanding broadband access to low-income consumers.

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<sup>6</sup> The history of the Ready Mobile brand goes back to Ready Mobile LLC. Ready Mobile LLC was formed in 2005 and was focused on retail distribution of prepaid wireless products under the Ready Mobile brand name. In May 2007, Titan Global Holdings purchased certain assets from Ready Mobile LLC that included the Ready Mobile branding. Titan operated several other telecommunications ventures. HH Ventures participated in a transaction by which it purchased certain Titan assets, including the Ready Mobile brand on January 17, 2008. None of the Titan owners are part of the HH Ventures ownership.

<sup>7</sup> Boomerang has expressed its interest in participating in the program previously in meetings to discuss Boomerang's Petition. See Letter from Michael P. Donahue, Marashlian & Donahue, LLC, Counsel for Boomerang Wireless, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Feb. 10, 2012).

<sup>8</sup> Federal Communications Commission, OMNIBUS BROADBAND INITIATIVE, CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN (2010), available at <http://www.broadband.gov/plan>.

Boomerang understands that low income consumers are not early technology adopters. Accessibility and ease of use of Boomerang's products, services and systems allows low income consumers to take advantage of the power of wireless technology so that we can close the digital divide. Adding data to phone plans is a growing trend in the low income base of customers, but as the Commission recognizes, lags behind the national norm. Boomerang will have data availability turned on in each handset distributed to Lifeline customers that could become the subscriber's daily access to the Internet if they should choose to add data services to their phone.

Because the Company already has in place nationwide distribution channels and activation processes, it is ready to offer broadband access services to low income consumers. The Company has competitive billing plans for smart phones and other devices, including the ability to bundle data services on smart phones along with voice and text services. Because of the Company's established multi-channel, multi-partner approach, it has the ability to reach eligible consumers throughout the country. In addition, Boomerang will advertise the availability and prices of its services through a variety of mediums, including online advertising, direct marketing campaigns, print advertising, event-based distribution, seminars, lectures, pamphlet distribution, and meetings with government agencies.

### **Compliance Plan**

This Compliance Plan describes the specific measures that Boomerang intends to implement to achieve the objectives of the Commission's Lifeline rules and policies.

#### **I. Policy**

Boomerang will comply with all certification and verification requirements for Lifeline eligibility set forth in the Lifeline Reform Order; the Commission's Lifeline rules and policies; the requirements, rules and policies governing the provision of Lifeline service to eligible subscribers residing on reservations or Tribal lands; the provisions of this Compliance Plan; and all laws and regulations governing Boomerang's provision of Lifeline-supported prepaid wireless services to customers throughout the United States.

## **II. Unrestricted Access to Basic and E911 Services and Certification of Such Access**

In the Lifeline Reform Order, the Commission stated that forbearance from the “own-facilities” requirement is conditioned on a carrier seeking limited ETC designation “providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes [and] providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services” starting on the effective date of the order.<sup>9</sup> Moreover, wireless resellers have an independent obligation to provide access to basic and E911 service, to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver E911 information to the appropriate Public Safety Answering Point.<sup>10</sup> Resellers also have an independent obligation to ensure that all handsets or other devices offered to their customers for voice communication are location capable.<sup>11</sup>

The Commission and consumers are hereby assured that all Boomerang Lifeline customers will have available access to emergency calling services at the time that Lifeline service is initiated and that such 911 and E911 access will be available from Boomerang handsets regardless of the activation status and availability of minutes. Further, Boomerang will ensure that all handsets used in connection with the Company’s Lifeline service offering are E911-compliant. In the event that an existing Boomerang customer does not have an E911-compliant handset, the Company will replace it with a new 911/E911 compliant handset at no charge to the customer. Any new customer who

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<sup>9</sup> Lifeline Reform Order ¶ 373.

<sup>10</sup> See 47 C.F.R. § 20.18(m).

<sup>11</sup> See *id.*

qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911 compliant handset as well.

### **III. Certification and Verification of Lifeline Customers' Eligibility**

Boomerang proposes the following Compliance Plan to implement the certification and verification conditions outlined in the Lifeline Reform Order. Boomerang intends to keep these measures in effect until the Commission implements its planned national eligibility database.

#### **A. Policy**

Boomerang will comply with all certification and verification requirements for Lifeline eligibility established by states where it is designated as an ETC. In states where there are no state-imposed requirements, no established rules or procedures in place, or in states that do not mandate Lifeline support, Boomerang will obtain certification of eligibility at the outset and will verify consumers' Lifeline eligibility in accordance with the Commission's requirements. Boomerang shares the Commission's concerns about the potential abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent Boomerang's customers from engaging in such abuse of the program, inadvertently or intentionally.

#### **B. Certification Procedures**

Boomerang will implement certification procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Boomerang employees or agents by contacting the Company in person or via telephone, facsimile or the Internet. Although the specific process for each means of contact differs slightly, as detailed below, regardless of the means of contact, at the point of sale, consumers will be provided with printed information describing Boomerang's Lifeline program, including eligibility requirements, and with instructions for enrolling. Consumers will be enrolled in person or directed, via company literature, collateral or advertising, to a toll-free number and to the Company's website, which will contain a link to information regarding the Company's Lifeline service plans, including a detailed description of the program and state-specific eligibility criteria. Boomerang's application form will identify that it is a "Lifeline" application. Except in states in which



applicants are enrolled through a designated state agency, Boomerang will have direct contact with all customers applying for Lifeline service, either in person through its employees, agents or representatives, or via the telephone (including facsimile) or mail.

Specifically, at events, Boomerang or enMarket personnel will explain the eligibility requirements for the program, including participation in a qualifying program or earning income below 135% of the Federal Poverty Guidelines and will verify the individual's eligibility. The Boomerang or enMarket employees will also explain the program limitation of one Lifeline service per household. In order to ensure potential customers are fully informed about the Lifeline program and the eligibility process, Boomerang will provide a sufficient number of employees at each event so that, while some individuals are handling the application and eligibility process with applicants, other individuals are available to discuss the requirements with potential customers, answer questions, identify appropriate documents and otherwise assist a customer in preparing for the application/eligibility step. enMarket employees will begin educating potential subscribers as they wait in line at events and explain the application process to prepare them. Employees are instructed that the company has zero tolerance for waste, fraud or abuse, and that they should notify a team lead immediately if they suspect that anyone might be providing false information or attempting to obtain a duplicate Lifeline benefit for themselves or within the same household. At events, when a potential subscriber reaches the front of the line, representatives will again confirm that no member of the individual's household currently receives a Lifeline benefit from another carrier. The representative will mention the name of major ETCs to assist applicants in determining whether they already receive a Lifeline benefit. The representative will reiterate that Lifeline is a government benefit, and that providing false information could subject the applicant to consequences including penalty under perjury. After an applicant has completed the enrollment form, a representative will check the CGM database to determine whether anyone at the same residential address currently receives a Lifeline benefit. If so, the applicant will be asked whether the applicant is a member of a

separate household residing at the same address and to complete the form created by USAC to certify that he or she resides in a separate household.

At events, upon completion of the application, representatives will photograph the documentation provided by the customer to prove identity and/or address and program- or income-based eligibility. After this information is reviewed and possibly subject to a compliance audit, described in more detail herein, Boomerang will maintain a record of the type of documentation reviewed to determine eligibility, but will not keep the documentation itself. Finally, representatives will review with the customer instructions in the welcome packet for activating the service or, if the customer explicitly requests, will activate the handset at that time. Boomerang will not seek Lifeline reimbursement until the customer has activated the handset.

Boomerang will also be promoting sign up through online outreach. Boomerang will use search engine optimization and targeted ad placement to reach eligible low-income consumers. To apply for a Boomerang Lifeline service online, a customer will fill out an application, provide the necessary information that all prospective Lifeline customers must provide, and be taken through forms and screens that clearly explain all relevant legal eligibility requirements. If the customer is seeking to qualify for Lifeline service based on their participation in a particular program (or income level), the prospective customer may be able to either upload the forms from scanned documents or print off a Document Submission worksheet and submit the documents to Boomerang where a sales representative will input the prospective customer's information into an eligibility database (if available for the relevant state). However, in most cases, the prospective consumer will fill out the relevant eligibility forms on the computer, and then send copies of the records needed by Boomerang to verify the customer's eligibility to participate in Lifeline.

With the CGM database, all applications will be processed against the only national database compiled with over 2 million current ETC Lifeline subscribers. This real time review will identify two types of duplicate applications: individual duplicate (*i.e.* same SSN, Name, DOB, etc) or duplicate residential addresses. If the entire record is a duplicate, the applicant will receive a message that

the application has been rejected. If the residential address is a duplicate, the applicant will receive instructions regarding the definition of household and the opportunity to complete a verification that the applicant is a member of a unique household at that address that does not currently receive a Lifeline benefit.

For all application processes, Boomerang has an in-house Compliance Officer and compliance metrics to further protect against waste fraud and abuse. This includes real time review of application submissions during events and random sampling of online and paper submissions. Boomerang's internal team will provide another layer of review (*i.e.*, handwriting, submission locations, timing) to identify abuse and carry out disciplinary action.

Once the prospective customer is successfully verified by Boomerang, Boomerang will enroll the customer in the service plan selected by the customer, and then mail the selected handset to the customer. Along with the handset comes a welcome packet with instructions for activating the service. Boomerang will not seek Lifeline reimbursement until the customer has activated the handset by following the instructions detailed herein or by making an outgoing call.

For potential subscribers who avail themselves of the toll-free number to apply for service, the IVR script will emphasize the "one Lifeline benefit per household" restriction through its interaction with the activating customer as well as review the 60 day rule and Annual Recertification requirements. If a customer wants more information, they will be passed to a live call center operator. Boomerang's sales training materials for call centers will include a discussion of the one benefit per household restriction and the need to ensure that the customer is informed of this restriction.

Boomerang will provide Lifeline-specific training to all personnel, whether employees, agents or representatives, who interact with actual or prospective consumers with respect to obtaining, changing or terminating Lifeline services. The training provides an explanation of the creation and purpose of the Lifeline program, the source of funds to provide access to qualified low-income consumers, program- and income-based eligibility determinations, and a detailed explanation of the

one-benefit-per-household limitation. The training emphasizes the importance of clearly explaining the eligibility criteria and limitations to applicants as well as the potential consequences for providing false information on the application. Trainees learn what documentation is acceptable to verify program- or income-based eligibility and that they must be able to communicate this information clearly to applicants. Trainees are instructed to report to a supervisor if for any reason at all they feel that an individual is trying to abuse the program or falsify eligibility. Trainees must ask an applicant directly if they already have a Lifeline service, and more specifically, mention the names of major Lifeline service providers in the geographic area, such as Safelink, Assurance, or Stand Up Wireless. Trainees are given instruction in checking the available duplicates database to confirm whether anyone else at that residential address is receiving a Lifeline benefit, and if so, to ask the applicant if multiple households reside at the same address. Trainees are also given instruction about when to provide the additional household verification form on which the applicant will certify that his or her household is a separate economic unit and does not already receive a Lifeline benefit. Trainees are instructed on activation procedures and restrictions, including that an account may only be activated by the subscriber or upon the subscriber's express authorization to do so.

Boomerang personnel will take steps to ensure that applicants are eligible to participate in the Lifeline program. All personnel who interact with current or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on state-specific income-based or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies state-specific eligibility requirements using state-specific checklists. Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) program participation documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid

participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program.

Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workmen's Compensation statement of benefits; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information for at least three months' time. Boomerang will establish policies and procedures to review such documentation and keep accurate records detailing how the consumer demonstrated his or her eligibility, including collecting information on the enrollment form about what documentation the applicant presented to demonstrate program-based or income-based eligibility. Where Boomerang personnel conclude that proffered documentation is insufficient to establish such eligibility, Boomerang will deny the associated application and inform the applicant of the reason for such rejection. In the event that Boomerang personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's eligibility, the matter will be escalated to supervisory personnel at Boomerang's corporate headquarters.

Consumers who do not complete the application process in person must return the signed application and supporting documentation to the Company by mail, fax, email or other electronic transmission. The Company will accept electronic signatures that meet the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7006, and any applicable state laws, and may verify consumers' signatures via IVR systems. Processing of consumers' applications, including review of all application forms and relevant documentation, will be performed under the Company's supervision by managers experienced in the administration of the Lifeline program.

The enrollment form will include a place where the applicant must certify by his or her signature under penalty of perjury that the applicant meets the relevant criteria and that the applicant's representations are true and correct.<sup>12</sup> Applicants will also be required to initial a number of disclosure statements intended to ensure that the applicant understands applicable eligibility requirements—including a statement to the effect that to the best of his or her knowledge, the applicant is not receiving Lifeline-supported service from any other Lifeline provider. Penalties for perjury will be clearly stated on the certification form. The certification will also contain language stating that a violation of the one-per-household requirement constitutes a violation of the Commission's rules and will result in the consumer's de-enrollment from the program, and could result in criminal prosecution by the United States government. Although the exact wording of the disclosure statements described above may vary on a state-by-state basis, depending on state-specific requirements or consultations with relevant state agencies, Boomerang plans for the disclosures to be consistent with the following statements:

\_\_\_\_ The information contained within this application is true and correct. I acknowledge that providing false or fraudulent documentation in order to receive assistance is punishable by law.

\_\_\_\_ I understand that Lifeline is only available for one benefit per household, whether landline or wireless. To the best of my knowledge, no one in my household is receiving Lifeline service. I will only receive Lifeline from Boomerang and no other landline or wireless telephone company.

\_\_\_\_ I am not currently receiving a Lifeline telephone service from any other landline or wireless telephone company.

\_\_\_\_ I will not transfer my service to any other individual, including another eligible low-income consumer.

\_\_\_\_ I understand that I may be required to verify my continued eligibility for Boomerang's Lifeline service at any time and that failure to do so will result in termination of Lifeline benefits.

\_\_\_\_ I will notify Boomerang immediately if I no longer qualify for Lifeline or if I have a question as to whether I would still qualify.

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<sup>12</sup> A copy of Boomerang's proposed enrollment and certification form is attached at Exhibit B.

In accordance with the Lifeline Reform Order, Boomerang will not retain copies of eligibility documentation, but rather will maintain accurate records detailing how the customer demonstrated his or her eligibility. Boomerang will check the eligibility of consumers seeking to enroll in Lifeline either by accessing electronic eligibility databases, where available, or by reviewing documentation from the consumer demonstrating his or her eligibility for Lifeline service. Where the Company is able to access a state or federal database to make determinations about customer eligibility, the Company or its representative will note in its records what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline. In instances where a state agency or third-party administrator is responsible for the initial determination of consumer eligibility, Boomerang will rely on the state identification or database.

Boomerang personnel will assist applicants in determining whether they are ineligible to participate in the Lifeline program because a member of the applicant's household already is benefiting from a Lifeline discount. Boomerang will establish safeguards to prevent individual subscribers and households from receiving more than one benefit. Boomerang personnel will explain in prominent, plain, easily comprehensible language to all new and potential subscribers that no consumer is permitted to receive more than one Lifeline subsidy. Boomerang will emphasize the one-per-household restriction in its contacts with potential customers. Boomerang personnel also will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and facilitate the applicant's understanding of what constitutes "Lifeline-supported service," and ability to determine whether he or she is already benefiting from Lifeline support by identifying the leading wireline and wireless Lifeline offerings in the relevant market by brand name.

Boomerang's Lifeline application forms will require each applicant to provide his or her name and primary residential address and a billing address for the service if the consumer's billing address differs from his or her residential address. The application form will clearly state that Lifeline participants must provide their new address to the Company within 30 days of moving. Boomerang will incorporate this information into its customer information database.

Prior to initiating service for a customer, the Company will check the address of each Lifeline applicant against the CGM compiled database to determine whether or not it is associated with a customer that already receives Boomerang Lifeline service, and will then review the application to ascertain whether the applicant is attempting to receive Lifeline-supported service for more than one service associated with the address. Boomerang Wireless has aligned with CGM, LLC of Roswell, Georgia, a Lifeline service bureau, to participate in the only national effort to match ETC applications against current ETC participants. This recognized compliance software provider is working across the industry to help minimize duplicate service to eligible households. CGM's growing database currently includes more than two million of the 15 million current ETC subscribers. As of this writing, it is, to Boomerang's knowledge, the largest pooled national database.

Boomerang has contracted with CGM to check each name/address combination against its aggregate duplicate database to confirm that the applicant is not already receiving a Lifeline subsidy from Boomerang or any other CGM client. The database dip is done simultaneously with customer sign-up through an API connection between Boomerang's provisioning platform and CGM. This check ensures that each applicant is not receiving a duplicate subsidy, as well as identifying those customers who share an address with current Boomerang customers and, therefore, may warrant further review. If Boomerang determines that an individual at the applicant's residential address is currently receiving Lifeline-supported service, the Company will take an additional step to ensure that the applicant and the current subscriber are part of different households. In order to make this demonstration, Boomerang will require applicants to complete and submit to the Company a written document developed by USAC consistent with the Commission's directions in the Lifeline Reform Order.<sup>13</sup> Boomerang will deny the Lifeline application of any such individual residing at the same address as a current Lifeline subscriber who is part of the same household and will advise the applicant of the basis for the denial.

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<sup>13</sup> See Lifeline Reform Order ¶ 84.



Prior to requesting a subsidy, Boomerang, in conjunction with CGM, will process and validate its subsidy data to prevent duplicate same-month Lifeline subsidies. Any household that is already receiving a Lifeline subsidy will automatically be prevented from receiving a second lifeline subsidy in that same month. Boomerang will immediately de-enroll any subscriber whom Boomerang knows is receiving Lifeline-supported service from another ETC or knows is no longer eligible. Additionally, each month, CGM will process and validate the Company's subsidy data to prevent: (1) duplicate same-month Lifeline subsidies (Double Dip): any name/address that is already receiving a lifeline subsidy from the Company will be automatically prevented from receiving a second Lifeline subsidy in that same month; and (2) inactive lines receiving subsidy. CGM's audits also compare all subsidy requests to Boomerang's underlying carrier invoice to ensure that subsidies are requested only for active lines. This process ensures that Boomerang does not request multiple subsidies from the Universal Service Fund.

In addition, prior to requesting a subsidy, Boomerang will ensure that the customer has activated the service in accordance with the Commission's requirements. Boomerang will provide phone activation instructions in a welcome package provided with the handset and, at events, will review these instructions with the customer. The activation process will allow the end user to proactively establish service and have an opportunity to receive additional training on the device and services available.

### **C. Procedures for Verification of Ongoing Consumer Eligibility**

As required by the Commission's Lifeline Reform Order, Boomerang will require every customer enrolled in the Lifeline program to verify on an annual basis that he or she receives Lifeline-supported service only from Boomerang and, to the best of his or her knowledge, no one else in the subscriber's household is receiving a Lifeline-supported service. Boomerang will submit all required information to the relevant Tribal governments, as applicable, including its aggregated re-certification data and annual re-certification results for subscribers residing on reservations or Tribal lands. This re-certification may be done on a rolling basis throughout the year. Where

ongoing eligibility cannot be determined through access to a qualifying database either by the Company or the state, and there is no state administrator verifying the continued eligibility of Lifeline subscribers, the Company will recertify the continued eligibility of all of its subscribers by contacting them— either in person, in writing, by phone, by text message, by email, or otherwise through the Internet—to confirm their continued eligibility. Such certifications may be obtained through a written format, an IVR system, or a text message, in accordance with the Lifeline Reform Order.<sup>14</sup> In states where a state agency or a third party has implemented a database that carriers may query to recertify the consumer's continued eligibility, the Company (or state agency or third party, where applicable) will instead query the database and maintain a record of what specific data was used to re-certify eligibility and the date of recertification.

Boomerang will notify each of its Lifeline consumers by mail that he or she must confirm his or her continued eligibility in accordance with the applicable requirements. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact Boomerang. Boomerang will provide written notice of impending service termination to subscribers who do not respond to the annual re-certification within 30 days. Any subscriber who does not respond to the impending termination letter within 30 days to demonstrate that his or her Lifeline service should not be terminated will be de-enrolled from the Company's Lifeline program.

#### **IV. Additional Measures to Prevent Waste, Fraud and Abuse**

##### **A. Usage Requirement**

Boomerang will implement policies and procedures to ensure that it does not obtain Lifeline support for an inactive subscriber who has failed to use his or her service in the first instance or has discontinued using the service.

Boomerang will not seek universal service support for a qualifying low-income consumer until that individual subscriber uses the supported service to either activate the service or complete

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<sup>14</sup> See Lifeline Reform Order ¶¶ 130, 132.

an outgoing call. Boomerang will provide phone activation instructions in its event and online or paper product packages. The activation process will allow the end user to proactively activate service and have an opportunity to receive additional training on the device and services available. Specifically, to activate service, customers will be instructed to call the Boomerang IVR, press “2” to activate the phone, and enter a PIN included in the Welcome Instructions the subscriber receives with the phone after the eligibility and enrollment process has been completed as described above. At that point, the IVR will notify the consumer that the Lifeline account is active. The IVR will inform the customer that the customer must use the service in order to keep the account active and provide options through a menu for obtaining additional information about the phone or the service and direct the customer to the Company’s website for additional information. At in-person events, Boomerang will assist an individual with account activation upon expressly authorized by the subscriber to activate the service.

To comply with the Commission’s continued usage requirements, Boomerang will implement a non-usage policy whereby it will de-enroll Lifeline customers that have not used the Company’s Lifeline service for 60 days. Boomerang will notify its subscribers at service initiation about the non-transferability of the phone service, its usage requirements, and the de-enrollment and deactivation that will result following non-usage in any 60-day period of time. If no usage appears on a Boomerang Lifeline customer’s account during any continuous 60-day period, Boomerang will deactivate Lifeline services for that customer. An account will be considered active if during any 60-day period the authorized subscriber does at least one of the following: makes a monthly payment; purchases minutes from Boomerang to add to an existing pre-paid Lifeline account; completes an outbound call; answers an incoming call from anyone other than Boomerang, its representative, or agent; or affirmatively responds to a direct contact from Boomerang confirming that he or she wants to continue receiving the Lifeline-supported service.

Boomerang will take measures to continue to communicate with the customer to ensure the customer understands the rules and requirements of the benefits. Boomerang has direct control

over customer databases and communication tools including: SMS messaging, outbound calling, IVR messaging and direct mail communications. For example, if a customer has 45 days of non-usage, Boomerang can text them to remind them about the non-usage rules.

## **B. Consumer Education with Respect to Duplicates**

As required by the Lifeline Reform Order, Boomerang will establish safeguards to prohibit more than one supported service for each household. In addition to its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, Boomerang will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household, including use and development of an appropriate database.

Specifically, Boomerang personnel will emphasize the one-per-household restriction in their direct sales contacts with potential customers. At the point of sale, potential customers will be provided with printed information describing Boomerang's Lifeline program, including eligibility requirements, and instructions for enrolling. As part of these printed materials, Boomerang will also reinforce the one-Lifeline-benefit-per-household limitation. Materials from USAC, that will be developed pursuant to the Lifeline Reform Order, may also be provided at the point of sale as dictated by a customer's responses. Boomerang will likewise reinforce and explain the one-per-household restriction in its marketing materials. The Company will emphasize in plain, easily comprehensible language that: (1) Lifeline is a federal benefit; (2) Lifeline service is available for only one benefit or subscription per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; and (4) a household is not permitted to receive Lifeline benefits from multiple providers. Boomerang will also include in its marketing materials substantially the following language in clear, easily understood language: the offering is a Lifeline-supported service; that only eligible consumers may enroll in the program; what documentation is necessary for enrollment; and the program is limited to one benefit per household, consisting of either wireline or wireless service.

Finally, Boomerang will disclose the company name under which it does business and the details of its Lifeline service offerings.

### **C. Internal Audit and Compliance Training for Boomerang Customer Service**

In addition to detailed and thorough employee training, Boomerang will impose disciplinary actions on employees who fail to abide by the requirements for determining eligibility for the Lifeline benefit. Beyond the instructions for field and event training, Boomerang will provide its customer service personnel with internal audit and compliance training. For incoming paper applications, Boomerang will have a 100% compliance checklist to check applications for fraud and duplication. The employee must check whether all fields on the certification and enrollment form are complete, whether all necessary eligibility documents are attached, whether the eligibility documents align with the information on the form, whether the handwriting is unique, whether all attestations are initialed, and whether the form is signed.

For in-person and event outreach, in addition to the onsite eligibility determinations, a Boomerang compliance officer will randomly check a representative sample of 3% to 10% of applications as an additional check for errors or omissions or any sign of fraud. If the compliance officer detects potential fraud or abuse in the application process, the affected applications will be denied.

## **V. Lifeline Offering**

Boomerang's marketing efforts will be focused on finding and serving eligible consumers using distribution models designed to reach the target population on a broad geographic basis. Creating a trusted brand and service through community outreach is a primary methodology for educating and soliciting customers. Boomerang will enroll Lifeline customers through several different marketing channels. Boomerang's current business model and plans for providing Lifeline service are based on reaching about 85% of its subscribers in person, through event marketing targeting currently underserved populations. Boomerang anticipates that, while most of its outreach will succeed via direct contact with consumers, potential subscribers will also be able to avail

themselves of a toll-free number (inbound telemarketing) or website to obtain enrollment information. Boomerang also has plans to offer its services through retail stores and agents who understand the underserved consumers in communities Boomerang would service as an ETC. National retail chains have expressed interest in partnering with Boomerang to support the Lifeline service and outreach to underserved eligible populations. Boomerang has partnered with retailers to use parking lots as locations for event-based outreach.

enMarket, Boomerang's sister event marketing and distribution company, will use demographic segmentation information to identify locations of populations with great need. The neighborhood marketing program will reach Tier 3 and Tier 4 and smaller communities where the population has not seen an influx of Lifeline service providers. enMarket will organize positive and informative neighborhood events to create a local presence.

The Company has a long history with retail distribution. If Boomerang is granted ETC designation, it is prepared to work with several national companies to explore unique, focused Lifeline program marketing. In addition, Boomerang is currently working with potential partners to develop targeted marketing and outreach for its application to participate in the broadband pilot program.

Boomerang will offer its Lifeline service in the states where it is designated as an ETC and throughout the coverage area of its underlying carriers. Boomerang has direct underlying agreements with Sprint and Verizon today. Negotiations are underway for the addition of a national GSM provider. The company will use these network relationships to ensure a good product experience for ETC consumers.

The Company's Lifeline offering will provide eligible customers with the following three Lifeline plans: (1) 68 units that rollover where 1 minute equals 1 unit and 3 texts equal 1 unit, (2) 125 units that rollover where 1 minute equals 1 unit and 1 text equals 1 unit, and (3) 250 units without rollover where 1 minute equals 1 unit and 1 text equals 1 unit. Customers will have the capability of purchasing additional bundles of minutes in the following denominations:

Denomination	\$5.00	\$10.00	\$10.00	\$15.00	\$15.00	\$30.00	\$30.00	\$50.00	\$7.00	\$20.00	\$30.00
Days of Use	10	3	7	7	10	14	30	30	10	30	30
Minutes									100	500	1,000
Peak Minutes		Unltd	30	Unltd	60	Unltd	140	Unltd			
N/W Minutes		Unltd	Unltd	Unltd	Unltd	Unltd	Unltd	Unltd			
Texts		Unltd	.10/text	Unltd	.10/text	Unltd	.10/text	Unltd	200	1,000	1,200
Units (Min+Text)	50										

In addition to free voice services, Boomerang's Lifeline plans will include a free handset and the following features: caller ID, call waiting and voicemail. Boomerang will turn on the data capability for all of our handsets. This will allow customers to add a data plan to their phone service.

As a provider of Lifeline services to residents of Tribal lands, Boomerang will pass through the full Tribal support amount to qualifying residents of Tribal lands, and under no circumstances will it collect from the Universal Service Fund more than the rate charged to Tribal subscribers.

## **VI. Demonstration of Financial and Technical Ability to Provide Lifeline Services**

Revised Commission Rule 54.202 requires carriers seeking designation as a Lifeline-only ETC to demonstrate their technical and financial capacity to provide the supported service. Among the factors that the Commission will consider are whether the applicant previously offered services to non-Lifeline consumers, how long the applicant has been in business, whether the applicant intends to rely exclusively on USF disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether it has been subject to enforcement action or ETC revocation proceedings in any state.

Boomerang's parent company, HH Ventures, is a privately held cash-flow-positive wireless telecommunications holding company. HH Ventures has been providing prepaid wireless telecommunications services to non-Lifeline subscribers since 2008. Its core management team

includes six senior executives with significant telecommunications experience, and the company employs 40 full time employees.

Boomerang currently provides prepaid wireless services to more than 350,000 subscribers, including more than 50,000 retail customers. The company currently provides a complete wholesale, MVNE platform to several ETCs and other white label partners.

Boomerang does not intend to rely exclusively on USF disbursements to operate, as it receives revenue from providing other services. For the 2011 calendar year, Boomerang and its sister company received no direct USF reimbursement for Lifeline support; 17% of revenue was generated from wireless resale services provided to ETCs,<sup>15</sup> 52% of revenue was generated from wireless retail services, and 31% of revenue was generated from other non-regulated telecom services. Boomerang has not been subject to enforcement actions or ETC revocation proceedings in any state.

Boomerang certifies that it will comply with all of the requirements of newly amended Commission Rule 54.202. Section 54.202 requires that an ETC demonstrate its “ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.”

Boomerang will remain functional in emergencies. Back-up systems are in place to ensure full functionality in the event of a loss of power or network functionality. And, Boomerang's switching facilities are housed in a carrier-class data center with fully redundant power and HVAC, a controlled temperature and humidity environment, fire-threat detection and suppression, year-round critical monitoring and secure access with biometric security. The facility features redundant generators and redundant fiber optic connectivity. The data center is a reinforced concrete building

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<sup>15</sup> In 2011, Boomerang only entered into wholesale MVNE arrangements with designated ETCs. This year, Boomerang has entered into arrangements with other, non-ETC, white label partners.



located in a secure area and collocated with the area electrical utility headquarters. It is powered from separate paths independent of any one electrical generation plant. All systems within the facility are implemented on redundant servers, each with redundant data network and power.

Direct carrier access with Sprint and Verizon networks provides additional tools to escalate network or hardware issues encountered on a local or regional basis. Contractual arrangements include direct escalation processes for tiered support depending on outage severity and number of customers affected.

Section 54.202 also requires ETC applicants to demonstrate that they will satisfy applicable consumer protection and service quality standards. Boomerang hereby commits to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.

### **Conclusion**

Boomerang's Compliance Plan meets the conditions set forth in the Lifeline Reform Order and promotes public safety by ensuring that Lifeline customers have access to 911 and E911 service. Boomerang requests that the Commission expeditiously approve the Company's Compliance Plan and grant its pending ETC Petition so that Boomerang may begin providing the benefits of Lifeline service to qualifying low-income consumers.

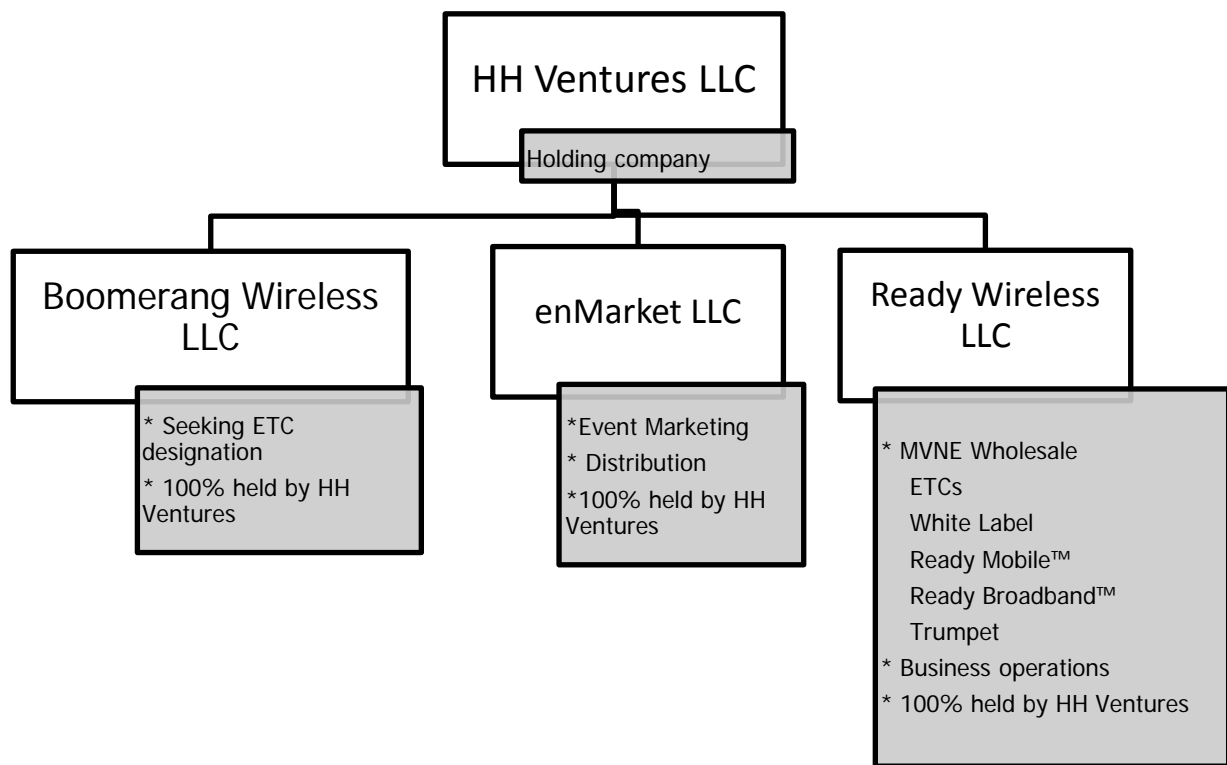
Respectfully submitted,



Michael P. Donahue  
Linda McReynolds  
Marashlian & Donahue, LLC  
1420 Spring Hill Road, Suite 401  
McLean, Virginia 22102  
Tel: (703) 714-1300  
Fax: (703) 714-1330  
Email: [mpd@commlawgroup.com](mailto:mpd@commlawgroup.com)  
[lgm@commlawgroup.com](mailto:lgm@commlawgroup.com)

*Counsel for Boomerang Wireless, LLC*

## Exhibit A



## Exhibit B



**Lifeline Self-Certification Form**

- To enroll in the Lifeline America program you need to complete this form.
- The information is only used to certify with the Federal Communications Commission (FCC) that you are participating in the program with us.

Office Use Only  
PLACE PHONE ID  
STICKER HERE

**STEP 1: Applicant Information**

**USE BLACK OR BLUE INK ONLY**

Name:		Phone:	
Address: Circle one: Permanent Address Temporary Address	(no PO Box; residences of Tribal lands must provide a descriptive address)	Email:	
City:		New/ Conv?	
State:		New Phone:	
Zipcode:		ESN:	
Billing Address:	(if different)	Last4SSN:*	
City/ State/ Zipcode:		Your birthdate:	

\_\_\_\_ (init) I acknowledge and consent to Boomerang Wireless divulging my name, telephone number and address to the Universal Service Administrative Company (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit. In the event that USAC identifies me as receiving more than one Lifeline subsidy per household, I acknowledge and understand that all carriers may be notified so that I may select one service and be de-enrolled from the other.

\*Applicants living on Tribal lands who lack a social security number may instead provide an official Tribal government identification card number.

**STEP 2: Certifications.** 1 participate in the following public assistance programs (check one):  
assistance programs (check one):

<input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP)	<input type="checkbox"/> Temporary Assistance for Needy Families (TANF)
<input type="checkbox"/> Supplemental Security Income (SSI)	<input type="checkbox"/> National School Lunch Program (NSL)
<input type="checkbox"/> Low-Income Heat & Energy Assistance (LIHEAP)	<input type="checkbox"/> Medicaid
<input type="checkbox"/> Homestead Act (Public Housing)	<input type="checkbox"/> Food Distribution Program on Indian Reservations, Bureau of Indian Affairs general assistance, Tribally administered TANF or Head Start (meeting the income-qualifying standards of Head Start)

How many people are in your Household?	My household income is at or below 135% of federal guidelines. I provided documentation confirming my household income level.				
# Persons in Household	Income	# Persons in Household	Income	# Persons in Household	Income
1 person	\$14,702	3 people	\$25,016	5 people	\$35,330
2 people	\$19,859	4 people	\$30,173	Each additional person	\$5,157

\_\_\_\_ (init) I am seeking Tribal lands Lifeline support and certify that I reside on Federally-recognized Tribal lands.

If you do not participate in one of these programs, state your relationship to the household member receiving assistance:  
\_\_\_\_\_. Documents Reviewed for Certification:\_\_\_\_\_

**Step 3: Authorization (check one):**

<input type="checkbox"/> I authorize Boomerang Wireless to be my cellular phone carrier for the number listed above. I will terminate any pre-existing lifeline service in lieu of the Lifeline discounts provided by Boomerang Wireless.
<input type="checkbox"/> I am not eligible for the Lifeline discounts at this time because I am receiving service from another carrier.

**Step 4: Signature (read, initial & sign):**

\_\_\_\_\_(init) I attest under penalty of perjury that the information herein is true and correct to the best of my knowledge. I understand that Lifeline is a federal government benefit program and that willfully making false statements in order to obtain this benefit can be punished by fine or imprisonment or I may be barred from the program.

\_\_\_\_\_(init) My household is receiving no more than one Lifeline-supported service. Lifeline service is available for only one subscription per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household is not permitted to receive Lifeline benefits from multiple providers. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the program, and could result in criminal prosecution by the United States government.

\_\_\_\_\_(init) I understand that I must notify Boomerang Wireless and provide my new address within 30 days of moving.

\_\_\_\_\_(init) If I do not have a permanent address and have supplied instead a temporary address above, I understand that Boomerang Wireless will attempt to verify every 90 days that I continue to rely on that address, and that I must notify Boomerang Wireless within 30 days of my new address after moving. If I do not respond to Boomerang Wireless' address verification attempts within 30 days, I understand that I may be de-enrolled from Boomerang Wireless' Lifeline service.

\_\_\_\_\_(init) I understand that I must notify Boomerang Wireless within 30 days if (1) I cease to participate in a federal or state qualifying program or my annual household income exceeds 135 percent of the federal poverty guidelines; (2) I receive more than one Lifeline-supported service; or (3) I for any other reason no longer satisfy the criteria for receiving Lifeline support. I understand that I will be subject to penalties if I fail to follow this notification requirement, including being de-enrolled from the Lifeline program.

\_\_\_\_\_(init) I understand and acknowledge that Lifeline service is a non-transferable benefit and that I may not transfer my service to any other individual, including another low-income consumer.

\_\_\_\_\_(init) I acknowledge that I will be required to re-certify my eligibility for Lifeline benefits annually, and I may be required to re-certify my continued eligibility for Lifeline at any time, and that failure to do so will result in the termination of my Lifeline benefits.

Applicants Signature. \_\_\_\_\_

Date \_\_\_\_\_

**FOR AUTHORIZED EMPLOYEE USE ONLY**

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Should an eligibility database not be available, I certify that the above applicant demonstrated their eligibility by providing their eligibility documentation and that such documentation has been reviewed for accuracy and legitimacy.

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Specific Documentation Presented by Customer and Examined by Company Representative

Store Representative Signature \_\_\_\_\_

Date \_\_\_\_\_